

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KENNETH DEENE LINDELL,

Plaintiff,

v.

PIERCE COUNTY JAIL *et al.*,

Defendants.

Case No. C07-5237RBL

REPORT AND
RECOMMENDATION

**NOTED FOR:
July 13, 2007**

This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Plaintiff has filed a proposed complaint and applied for *in forma pauperis* status (Dkt. # 1). The application was deficient. On May 15, 2007, the court clerk's office sent plaintiff a letter indicating the application was deficient because plaintiff had not provided a prison trust account or a written authorization for payment of costs form. Further, plaintiff did not provide service copies or documents (Dkt. # 2).

There has been no response to the clerk's letter. The district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigence. *See* 28

1 U.S.C. § 1915(a). However, the court has broad discretion in denying an application to proceed in
2 forma pauperis. Weller v. Dickson, 314 F.2d 598 (9th Cir. 1963), *cert. denied*, 375 U.S. 845
3 (1963).

4 Based on the above, the Court should deny plaintiff's application to proceed *in forma pauperis*.
5 Plaintiff has not shown that is unable to pay the full filing fee to proceed with his lawsuit. Mr. Lindell
6 has failed to cure the deficiencies in his application. The court should direct Mr. Lindell to pay the filing
7 within 30 days of the court's order and if he fails to pay the filing fee the clerk should be directed to
8 dismiss this matter.

9 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,
10 the parties shall have ten (10) days from service of this Report to file written objections. *See also*
11 Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
12 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule
13 72(b), the clerk is directed to set the matter for consideration on **June 13, 2007**, as noted in the
14 caption.

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16 DATED this 20 day of June, 2007.

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18 /S/ J. Kelley Arnold
19 J. Kelley Arnold
20 United States Magistrate Judge
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